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REFERENCE: USSN 09/807,099

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**MESSAGE:**

**PLEASE DELIVER THE FOLLOWING COMMUNICATION CONCERNING THE BELOW IDENTIFIED CASE**

In re application of: Binyamin PINKAS et al

Confirmation No.: 2969

Application No.: 09/807,099

Group Art Unit: 2135

Filed: April 9, 2001

Examiner: Son, Linh L.D.

For: HONESTY PRESERVING NEGOTIATION AND  
COMPUTATION

Attorney Docket No: 704-X00-047US

1. **PRELIMINARY RESPONSE TO OFFICE ACTION**

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Application : 09/807,099  
Applicant : Binyamin Pinkas et al  
Confirmation : 2969  
Filed : April 9, 2001  
TC/A.U. : 2135  
Examiner : Son, Linh L D  
Docket No. : 704-X00-047US

Commissioner for Patents  
P.O. Box 1450  
Alexandria VA 22313-1450

**PRELIMINARY RESPONSE TO OFFICE ACTION**

Sir:

In partial response to the Office Action mailed August 10, 2004 in connection with the above identified application, Applicants wish to bring to the Examiner's attention an apparent oversight in the Office Action that requires clarification. In the Notice of References Cited (PTO892), references C and E are identical, i.e. US-6,026,383 to Ausubel ("383 Patent") has been cited twice. This is believed to be an error since, in reviewing the substance of the Office Action, Applicants' representative noted that the Examiner has quoted or referred to specific passages of the '383 specification which do not actually exist. It appears to Applicants representative that perhaps a second patent issued to Ausubel which

Appin Serial No. 09/807,099  
Preliminary Response dated November 10, 2004

the Examiner intended to cite in addition to the '383 patent, however the number of this second patent is unknown to Applicants.

Under these circumstances, it is not currently possible to prepare a full and complete response to the outstanding Office Action until clarification of the above issue can be obtained. Applicants therefore request that the Examiner investigate the discrepancy described above, issue a corrected PTO-892 and reset the period for response.

If the Examiner believes that direct communication with Applicants' representative would clarify the above issues, she is invited to telephone the undersigned attorney.

Respectfully submitted,

*Martin Fleit by TK Zurek Reg 27,988*

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